

more than 13 percent ethanol and no more than 15 percent ethanol by volume.

“(C) ELECTION.—

“(1) IN GENERAL.—

“(A) ELECTION BY OXYGENATE BLENDER.—Subsection (a)(1) shall apply with respect to any gallon of fuel described in such subsection only if the applicable taxpayer described in subsection (b)(1)(A) elects to have such subsection apply with respect to such gallon of fuel.

“(B) NOTIFICATION.—The applicable taxpayer described in subparagraph (A) shall provide notice of their election with respect to any gallon of fuel described in such subparagraph to any applicable taxpayer described in subsection (b)(1)(B) to which such fuel is sold, with such notice to be provided on or before the date of such sale.

“(2) CREDIT FOR RETAILER AVAILABLE ONLY IF NOT CLAIMED BY OXYGENATE BLENDER.—Subsection (a)(2) shall apply with respect to any gallon of fuel described in such subsection only if the applicable taxpayer described in subsection (b)(1)(A) has not elected (pursuant to paragraph (1)) to apply subsection (a)(1) with respect to such gallon of fuel.

“(d) REFUNDABLE CREDIT FOR SMALL RETAILERS.—For purposes of this title, in the case of a retailer with not greater than 5 retail locations at the close of the taxable year, the credit allowed under subsection (a)(2) for such taxable year shall be treated as a credit allowable under subpart C (and not allowable under this subpart) for such taxable year.

“(e) TRANSFER OF CREDIT.—

“(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if, with respect to the credit allowed under subsection (a) for any taxable year, the applicable taxpayer elects the application of this subsection for such taxable year with respect to all (or any portion specified in such election) of such credit, the eligible entity specified in such election, and not the applicable taxpayer, shall be treated as the taxpayer for purposes of this title with respect to such credit (or such portion thereof).

“(2) ELIGIBLE ENTITY.—For purposes of this subsection, the term ‘eligible entity’ means any person within the supply chain for fuel described in such section (a).”

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting “, plus”, and by adding at the end the following new paragraph:

“(34) the credit for sale or blending of ethanol fuels under section 45U to which subsection (d) of such section does not apply.”

(c) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 45U. Credit for sale or blending of ethanol fuels.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel blended or sold after December 31, 2021.

**SA 2496.** Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid high-

ways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 23 and 24, insert the following:

“(3) REGIONAL INNOVATION PILOT.—

“(A) IN GENERAL.—In addition to eligible projects under paragraphs (1) and (2), a metropolitan planning organization may use amounts suballocated under subsection (e) for innovative strategies to reduce transportation emissions, including associated infrastructure improvements that will increase the share of nonmotorized trips and improve the efficiency of existing surface transportation infrastructure to address carbon reduction.

“(B) NOTICE.—Not later than 120 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall provide notice and guidance for interested metropolitan planning organizations to participate in activities under subparagraph (A).

“(C) EXCLUSION.—In carrying out activities under subparagraph (A), a metropolitan planning organization may not use amounts made available to carry out that subparagraph for a project that increases net capacity for vehicular travel.

**SA 2497.** Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 7 and 8, insert the following:

“(7) SELECTION OF PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the applicable metropolitan planning organization shall determine the programming and expenditure of amounts that a State is required to obligate under clauses (i) and (ii) of paragraph (1)(A).

“(B) STATE ROLE.—The State may ensure that projects selected by a metropolitan planning organization under subparagraph (A) are eligible projects under this section.

**SA 2498.** Mr. WYDEN (for himself, Ms. LUMMIS, Mr. TOOMEY, and Mr. CRUZ) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2437, strike lines 9 through 21 and insert the following:

(d) RULE OF CONSTRUCTION.—

(1) DEFINITION OF BROKER.—Nothing in this section or the amendments made by this section shall be construed to create any inference that a person described in section 6045(c)(1)(D) of the Internal Revenue Code of 1986, as added by this section, includes any person solely engaged in the business of—

(A) validating distributed ledger transactions,

(B) selling hardware or software for which the sole function is to permit a person to control private keys which are used for accessing digital assets on a distributed ledger, or

(C) developing digital assets or their corresponding protocols for use by other persons, provided that such other persons are not customers of the person developing such assets or protocols.

(2) BROKERS AND TREATMENT OF DIGITAL ASSETS.—Nothing in this section or the amendments made by this section shall be construed to create any inference, for any period prior to the effective date of such amendments, with respect to—

(A) whether any person is a broker under section 6045(c)(1) of the Internal Revenue Code of 1986, or

(B) whether any digital asset is property which is a specified security under section 6045(g)(3)(B) of such Code.

#### SEC. 80604. SENSE OF CONGRESS.

It is the sense of Congress that nothing in the amendments made by section 80603 shall be construed to have any effect on the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

#### SEC. 80605. TERMINATION OF EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.

**SA 2499.** Mr. KELLY (for himself, Ms. SINEMA, Ms. ROSEN, Ms. CORTEZ MASTO, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2621, line 3, insert after “2026:” the following: “*Provided further*, That for funds made available under this heading in this Act for planning, preparation, or design of eligible projects, the Secretary may consider whether the project will provide new or improved Interstate highway connections between not less than 2 metropolitan areas with a population of not less than 500,000.”

**SA 2500.** Mr. GRASSLEY (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

#### TITLE VI—STATE FUNDING UNDER RURAL UTILITIES SERVICE PROGRAMS

##### SEC. 60601. STATE FUNDING UNDER RURAL UTILITIES SERVICE PROGRAMS.

(a) ELIGIBILITY OF PROJECTS THAT RECEIVE STATE FUNDING.—Title VII of the Rural Electrification Act of 1936 (7 U.S.C. 950cc et seq.)

is amended by adding at the end the following:

**“SEC. 704. ELIGIBILITY OF PROJECTS THAT RECEIVE STATE FUNDING.**

“In administering any broadband or telecommunications program, the Secretary, acting through the Administrator of the Rural Utilities Service, shall not determine that a project is ineligible for funding because the project has received funding from a State.”.

**(b) STATE FUNDS TO SATISFY MATCHING REQUIREMENTS.—**

(1) IN GENERAL.—Subject to paragraph (2), for purposes of any matching funds requirement under any program administered by the Secretary of Agriculture, acting through the Administrator of the Rural Utilities Service, an applicant for funding under that program may use funds received from a State program (including funds received by a State from the Federal Government) to satisfy the matching funds requirement.

(2) SUNSET.—This subsection shall cease to be effective on October 1, 2023.

**SA 2501.** Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2485, line 13, strike “\$11,615,000,000” and insert “\$16,615,000,000”.

On page 2489, line 22, insert “*Provided further*, That of the amount provided under this heading in this Act, \$5,000,000,000, to remain available until expended, shall be for South Florida ecosystem restoration: *Provided further*, That the amounts made available for South Florida ecosystem restoration shall be appropriated from amounts in the Treasury not otherwise appropriated:” after “in this Act”.

**SA 2502.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike lines 12 through 17.

Beginning on page 547, strike line 17 and all that follows through page 550, line 11, and insert the following:

(e) CONFORMING AMENDMENT.—Section 167 of title

**SA 2503.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

poses; which was ordered to lie on the table; as follows:

On page 31, strike lines 1 through 5.

On page 31, line 6, strike “(D)” and insert “(C)”.

On page 31, line 12, strike “(E)” and insert “(D)”.

Beginning on page 386, strike line 1 and all that follows through page 392, line 9.

**SA 2504.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In division F, strike title III.

**SA 2505.** Ms. ERNST submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 748 of the amendment, between lines 2 and 3, insert the following:

(3) includes—

(A) a cost-benefit analysis of the use of Amtrak to cross the northern border, relative to other non-government subsidized options; and

(B) an explanation for why any United States taxpayer dollars should be used to fund transportation in a foreign country.

(C) the amount of money the extension would lose annually.

**SA 2506.** Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division J, insert the following:

SEC. \_\_\_\_\_. (a) Except as provided in subsection (b), none of the funds made available by this Act may be used to transport an alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))) who is unlawfully present in the United States and who—

(1) has not been tested for COVID-19 during the preceding 10-day period;

(2) has not been fully vaccinated against COVID-19; or

(3) has symptoms of COVID-19.

(b) Funds made available by this Act may be used to transport an alien described in subsection (a) for purposes of removal or deportation.

**SA 2507.** Mr. CRAPO (for himself, Mr. WYDEN, Mr. RISCH, and Ms. BALDWIN) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 41202(b) of division D, strike paragraph (2) and insert the following:

(2) ELECTION; SUBMISSION OF RESULTS.—Section 102(b)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)(1)) is amended—

(A) in subparagraph (A), by striking “and August 1” and inserting “and September 30”; and

(B) by adding at the end the following:

“(E) ELECTION FOR FISCAL YEAR 2021.—Notwithstanding subparagraph (A), for fiscal year 2021, the election described in that subparagraph shall be made at the discretion of each affected county by September 30, 2021 (or as soon thereafter as the Secretary concerned determines is practicable), in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.”.

(3) DURATION OF ELECTION.—Section 102(b)(2)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)(2)(A)) is amended, in the first sentence, by striking “to receive a share of the 25-percent payment or 50-percent payment, as applicable.”.

(4) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—Section 102(d)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)) is amended by adding at the end the following:

“(E) ELECTION FOR FISCAL YEAR 2021.—Notwithstanding subparagraph (A), for fiscal year 2021, the Governor of each eligible State shall notify the Secretary concerned of an election by an eligible county under this subsection not later than September 30, 2021 (or as soon thereafter as the Secretary concerned determines is practicable).”.

(5) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “2020” and inserting “2023”.

**SA 2508.** Mr. CRAPO (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division G, add the following:

**TITLE XII—FOREST MANAGEMENT FOR RURAL STABILITY**

**SEC. 71201. SHORT TITLE.**

This title may be cited as the “Forest Management for Rural Stability Act”.